

Application No. 10/000,276
Amendment Dated 9/26/05
Reply to Office Action of 6/28/05

REMARKS

This Amendment is submitted in response to the Office Action mailed on June 28, 2005. Claims 1, 32, 50, 56, 67, 79, 80, 89, 96 and 97 have been amended, and claims 1, 4-13, 15, 17-19, 21-26, 28, 30-32, 34-38, 40, 42, 43, 50, 53-67 and 69-111 remain pending in the present application.¹ Applicants note and appreciate Examiner's allowance of claims 17-19, 21-26, 28, 30, 31 and 98-106, and Examiner's indication of the allowability of claims 4, 6-11, 15, 40, 43, 53, 57-66, 69-78, 81-86, 88, 93, 94, 96, 97 and 107-109. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Applicants' counsel appreciates the courtesy extended by Examiner Bogart during the telephone interview conducted on September 7, 2005. During that interview, Examiner and Applicants counsel discussed amendments to the claims to place the present application in condition for allowance. Applicants have amended claims 1, 32, 50, 56, 67, 79, 80 and 89 as discussed and agreed to during the telephone interview and respectfully request the rejections be withdrawn.

In particular, Applicants have amended each of claims 1, 50, 56, 67 and 80 to recite that the orifice comprises a single slit formed in, and extending

¹ Applicants understand that the modifications to the claims made in the Examiner's Amendment dated May 12, 2005 are still in effect as set forth on Page 2 of the Office Action.

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generally in the direction of, only one of the first and second apexes. Examiner agreed during the telephone interview that these amendments to claims 1, 50, 56, 67 and 80 would overcome the rejections under 35 U.S.C. §112, second paragraph. Accordingly, Applicants respectfully request that the rejections be withdrawn.

With respect to the rejections of independent claims 1 and 50 as being anticipated by Willis et al., Applicants have amended these claims to recite that each of the first and second duckbill structures is generally hollow. Support for this amendment is located at Page 3, lines 11-17 and Page 10, lines 13-22 of Applicants disclosure, for example, as well as in the figures.

In contrast, as discussed during the telephone interview, the stiffening members (80) of Willis et al. do not define a second duckbill structure as claimed by Applicants in each of claims 1 and 50. Rather, the stiffening members (80) of Willis et al. are fins or ribs that extend outwardly from, and generally transverse to, the single duckbill valve structure (42) (see Col. 3, line 55 through Col. 4, line 35). Moreover, the stiffening members (80) of Willis et al. are solid structures as evidenced by the cross-sectional view in Fig. 3 of Willis et al. Consequently, the stiffening members (80) of Willis et al. are not "generally hollow" as claimed by Applicants in each of independent claims 1 and 50.

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Examiner agreed during the telephone interview that these amendments to claims 1 and 50 would distinguish over Willis et al. and so the rejections should be withdrawn.

With respect to the rejections of independent claims 32 and 89 as being anticipated by Schmidt and the rejection of independent claim 79 as being anticipated by Willis et al., Applicants have amended these claims to recite that the isolation member supports the valve member (claims 32 and 89) or double-duckbill vale (claim 79) so as to resist accidental actuation of the valve. Support for this amendment is located at Page 11, line 20 through Page 12, line 22, for example.

As discussed during the telephone interview, the inner tube (36) of Schmidt does not support the valve (38) so as to resist accidental actuation of the valve. Rather the inner tube (36), in combination with the outer tube (40) formed circumferentially thereabout, form a groove (42) therebetween for receiving the outlet tube (6) of the holding chamber (4). The inner tube (36) of Schmidt does not perform the function of supporting the valve (38) so as to resist accidental actuation of the valve as recited in each of independent claims 32 and 89.

In Willis et al., the valve (42) is placed in contact with the valve housing (40) through the stiffening ribs (80) (see Col. 4, lines 20-29 and Fig. 3). Consequently, the flange portion (68) of the Willis et al. valve, asserted by Examiner to be an "isolation member," does not space the valve (42) from walls of the valve housing (40) or perform

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the function of supporting the valve (42) so as to resist accidental actuation of the valve as recited in independent claim 79.

Examiner agreed during the telephone interview that these amendments to claims 32, 79 and 89 would distinguish over Willis et al. and Schmidt and so the rejections should be withdrawn.

Moreover, as dependent claims 4-13, 15, 34-38, 40, 42, 43, 53-55, 57-66, 69-78, 80-88, 90-97 and 107-111 depend from allowable independent claims 1, 32, 50, 56, 67, 79 and 89, and further as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicants submit that these claims are allowable as well.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

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Respectfully submitted,

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